

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTHONY DUNA,

Plaintiff,

V.

LIMA, et al.,

## Defendants.

Case No.: 2:23-cv-00034-RFB-NJK

## ORDER

(Docket No. 1)

11 On January 5, 2023, pro se plaintiff Anthony Duna, an inmate in the custody of the Nevada  
12 Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. Docket No. 1-1.  
13 Plaintiff did not pay the \$402 civil filing fee or file an application to proceed *in forma pauperis*.

14 The United States District Court for the District of Nevada must collect filing fees from  
15 parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402,  
16 which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any  
17 person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed  
18 *in forma pauperis.*” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate  
19 must submit **all three** of the following documents to the Court: (1) a completed **Application to**  
20 **Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that  
21 is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
22 page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail  
23 official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
24 **previous six-month period.** *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status  
25 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate  
26 can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

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1 Accordingly, for the reasons stated above,

IT IS ORDERED that, no later than **March 20, 2023**, Plaintiff must either pay the full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required documents: a completed application with the inmate's two signatures on page 3; a completed financial certificate that is signed both by the inmate and the prison or jail official; and a copy of the inmate's trust fund account statement for the previous six-month period.

7 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this  
8 action will be subject to dismissal without prejudice. A dismissal without prejudice allows  
9 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a  
10 complete application to proceed *in forma pauperis* or pay the required filing fee.

11 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Anthony Duna the approved  
12 form application to proceed *in forma pauperis* for an inmate and instructions for the same and  
13 retain the complaint, Docket No. 1-1, but not file them at this time.

14 IT IS SO ORDERED.

15 DATED: January 20, 2023.

  
NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE